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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE SECOND PART* OF THE 50th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 5 March 1990, at 6.10 p.m.

Chairman:	Mrs. REGAZZOLI	(Argentina)
later:	Mrs. QUISUMBING	(Philippines)

CONTENTS

Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

* The summary record of the first part of the meeting appears as document E/CN.4/1990/SR.50.

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GE.90-11810/1645B

CONTENTS (continued)

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Co-ordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights (continued)

FURTHER PROMOTION AND ENCOURAGEMNET OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) CO-ORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued)
(E/CN.4/1990/18 and Add.1, 19, 20, 49, 54, 65, 79 and 85; E/CN.4/1990/NGO/2 and 39; A/44/660 and Add.1; E/AC.51/1989/2)

1. Mr. STUART (Observer for Australia) said that, despite the many successes of the United Nations human rights programme, it was only realistic to recognize its limitations. The frequent politicization of human rights issues made it difficult for the Commission to agree on how it should respond to human rights violations. In that situation, activities such as the public information programmes, which sought to prevent human rights violations before they occurred, were indispensable. As his delegation had stated at the previous session of the General Assembly the dissemination of human rights materials, including the major United Nations human rights instruments, should be improved. The United Nations information centres should seek further opportunities to distribute information to schools, social and recreational groups, and the media.

2. There had been various projects in Australian schools to promote greater awareness of human rights. It was essential to create a "human rights culture", which would foster not only the children's sense of their own worth, but their respect for the rights of others. His delegation had welcomed the booklet entitled "ABC - teaching human rights", issued by the Centre for Human Rights, which could be readily adapted to the different cultural environment of each country.

3. It was essential to ensure that those in a position to affect the observance of human rights - the judiciary, the police, the armed forces, the media and the medical profession - were made aware of human rights issues. His delegation welcomed the efforts of the Secretary-General and a number of member States to organize seminars and workshops for those groups. However, it was even more essential to educate the general public, and particularly young people, about the minimum standards to which their Governments had committed themselves in acceding to human rights instruments, and about the remedies available when those standards were not observed.

4. His delegation had found the Secretary-General's note on the development of public information activities in the field of human rights (E/CN.4/1990/19) both useful and succinct. However, it had been struck by the discrepancy between the figure of $US 107,000 allocated for Centre for Human Rights activities in 1990 (para. 39 of the note) and the claim (para. 57) that the Department of Public Information would spend $12.7 million a year on "human rights and related information activities", which appeared to be a very loose definition. The latter figure was not in fact consistent with the estimated costs of the various activities envisaged for the 1990-1991 biennium, listed in paragraphs 44-56 of the note.

5. His delegation was disappointed that the information in section IV of the note, which purported to be an assessment of the impact of the World Public Information Campaign on Human Rights, was in fact drawn directly from the Secretary-General's in-depth evaluation of the human rights programme (E/AC.51/1989/2), which had been prepared before the World Campaign had even started. The Commission had not asked for an evaluation of the human rights programme itself, but for an assessment of the World Campaign, which was intended to supplement and reinforce the human rights programme. The Commission would not be able to decide on the future of the World Campaign without some idea of the results it had achieved.

6. In closing, he wished to express his delegation's appreciation for the first-rate work, done in both Geneva and New York to publicize human rights, and to acknowledge the dedication and hard work of a number of the Professionals responsible for that work.

7. Mrs. Quisumbing (Philippines) took the Chair.

8. Mr. LITTMAN (World Union for Progressive Judaism) said that his organization had been one of 36 non-governmental organizations which had submitted a written statement about the methods of work of the Commission (E/CN.4/1990/WG.3/WP.5). They had called upon the Commission to make sure that diplomatic language was always used during its debates. Unfortunately, however, non-governmental organizations' detailed accounts of human rights violations in certain States sometimes provoked perfunctory and vituperative replies by the State concerned, together with defamatory remarks about the accusers. His organization considered that the Chairman should admonish and, if necessary, rule out of order all such delegations, which were merely trying to intimidate their accusers, into remaining silent.

9. Turning to item 11 (c), he said that the activities of the Centre for Human Rights were a key factor in United Nations work to promote and protect human rights throughout the world. He welcomed the new priorities and organizational changes introduced by the Under-Secretary-General for Human Rights, and the emphasis on information and communications. With the unprecedented changes in the field of human rights during the past year, the Centre would need to improve its communications and its information services for Member States, observers, NGOs, academics, the press and the public. At the same time, the monitoring of the implementation of resolutions and treaties would become more complex.

10. One way to improve efficiency would be to record the studies and documents produced by the Centre and the reports, resolutions and summary records of the Commission and Sub-Commission in a computer system, which would make them more accessible to decision-makers, the media and the academic world, as well as being cost-effective. Many new communications and information-handling techniques could be used for the Centre's existing and future work, and for monitoring, co-ordination and training activities. The international meeting of experts proposed by the Sub-Commission in its draft resolution I would be the ideal occasion to decide upon a new communications strategy for the Centre.

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11. He had some further remarks to make which, he felt, came within the scope of the agenda item under discussion. One of the most sacred and universal of human rights was a woman's right to become a wife and mother and to bring up her children in her own religion, if she so wished. There were still more than 220 Jewish women in Syria who had been denied the right to leave the country and find husbands of their own faith abroad. In his organization's opinion, Syria had thus violated article II (d) of the Convention on the Prevention and Punishment of the Crime of Genocide, which prohibited measures intended to prevent births within an ethnic group. There must be ways and means within the United Nations system for improving the effective enjoyment of human rights of the Jewish community in Syria.

12. The CHAIRMAN appealed to speakers to confine themselves to the agenda item under consideration.

13. Mr. SENTURIAS (Commission of the Churches on International Affairs), speaking on item 11 (b), said that it was essential to strengthen national human-rights institutions in Africa. The African Charter on Human and Peoples' Rights provided a focal point for national and regional human rights institutions, which would give all States Members of the United Nations scope for dialogue on the relationship between individual and collective rights and that between different cultures and civil and political rights.

14. In the past, little attention had been paid to human rights issues in Africa. One reason had been the lack of resources and trained staff, and the small number of NGOs which could gather and analyse data and put pressure on Governments. Another, more disturbing reason, was the intolerance of dissent found in many African societies. Many African States took a negative view of individuals or non-governmental organizations, including the Church, which spoke out on human rights issues. Neverthless, there were small but positive signs that change was at hand. The number of NGOs in Africa was growing steadily, and some governments had set up human rights bodies. The draft Constitution of Namibia clearly demonstrated the newly elected Government's willingness to protect human rights.

15. Half the world's refugees were in Africa, and most of them had fled not from South Africa, but from independent States, where there were many human rights abuses. The mere existence of the African Charter on Human and Peoples' Rights would not guarantee observance of those rights. The United Nations should assist Governments in implementing the African Charter, and call upon States to encourage the establishment of NGOs for human rights issues.

16. Mr. EMERY (International Federation for Human Rights) said that, in the 40 or so years since the adoption of the Universal Declaration of Human Rights, many men and women had formed human rights groups, support committees for an individual or cause, and associations of relatives of victims of torture, disappearance and assassination. They had fought not for ethnic, religious, trade union, economic or political rights, but for the right to enjoy those rights. Those human rights movements existed within a precise legal framework in the form of the international human rights instruments, which had not only established the legality of individual and collective action for human rights, but had encouraged people to take that action. The standards developed within that framework had continued to strengthen the concept of human rights and make it more specific, emphasizing the importance of individual participation.

17. For a non-democratic régime, however, any assertion of the primacy of the law was a subversive act, and those who grouped together to help people in danger were denounced and persecuted, becoming victims themselves. Human rights activists, lawyers and judges were subjected to repression; many of the groups affiliated to his organization had been banned, and their members imprisoned or murdered.

18. Action for human rights did not merely entail the general denunciation of repression by the forces in power. It posed a long-term threat to all abuses of power by presenting the whole of society with a model for the defence of democracy, which the United Nations had been established to protect. United Nations human rights activities derived their legitimacy from the common will which had underlain the founding of the Organization; the Commission should bear that legitimacy in mind when reflecting upon its methods of work.

19. Mr. BARSH (Four Directions Council) said that current efforts to agree on proposals for improving the effectiveness of the Commission's work seemed headed for the same fate as the previous major round of similar discussions held in 1987, namely, stalemate. The ultimate objectives of the Commission's work were not in doubt, but disagreement existed on the best means of achieving those objectives. The two main proposals which had emerged from the informal open-ended Working Group set up under agenda item 11 were politically unacceptable as well as extremely costly. Some Western Governments were proposing to give the Bureau of the Commission a year-round mandate, somewhat similar to that of the Security Council. The cost of holding fully serviced meetings of the Bureau would be prohibitive; but to hold informal meetings of the Bureau would be neither democratic nor transparent. Moreover, it was not clear what kind of response the intersessional Bureau could make to emergent situations, short of actually pronouncing judgement upon them, as the Commission might do if it were in session.

20. The principal Non-Aligned proposal was equally problematic. Replacing thematic rapporteurs with working groups would no doubt ensure a balanced approach, but the high additional costs involved would not be justified unless the proposed groups were vested with the right to take policy decisions. Thus both proposals would result in transferring sensitive policy decisions from an open meeting of the full Commission to a small and less transparent body of government representatives, at a substantial increase in cost.

21. In the view of his organization, the most urgent problem facing the human rights programme was that of inadequate Professional staff. Merely to maintain the existing periodic reporting and communications systems, let alone provide more extensive advisory services or link human rights with development and environmental activities, would require a 25 per cent staff increase over the next few years. Yet it would be idle to imagine that the share of the Centre for Human Rights in the total United Nations budget could be increased unless all regional groups felt that their interests and priorities were reflected in the Centre's work. The human rights programme could not be saved unless it took on new responsibilities which gave it wider appeal and a broader political base.

22. The experience of the past few weeks had not been encouraging in that respect. The present stalemate appeared likely to continue so long as discussions took place only in the political environment of the Commission's annual sessions. In that connection, he wished to urge the Commission to respond favourably to the proposal for a World Conference on Human Rights, which the General Assembly had begun to consider at its previous session. Preparations for such a conference, which might extend over one or two years and include formal preparatory meetings of Governments and NGO observers, the establishment of temporary inter-agency task forces within the Secretariat and technical meetings or studies involving independent experts, could serve as a powerful tool for research and the formulation of policy options, going well beyond what had been available to the Commission's Working Group during the past weeks. The preparatory process should include technical meetings devoted to programme evaluation, to criteria for the assessment of the achievement of human rights, and to formulating alternatives which might be considered by the Conference itself. The Secretariat unit organized to service the preparatory process should be located in the Centre for Human Rights, but should include Professionals from related United Nations programmes on development, the environment, and peace and security matters. In order to be effective, the Conference should be designed to appeal to all regions; it should facilitate a broad political recommitment to the United Nations human rights programme; and it should provide a firm political basis for raising the priority of the human rights programme within the United Nations budget. It was greatly to be hoped that at its next session the General Assembly would adopt the proposal.

23. Mr. VARGAS GOMEZ (International Association of Educators for World Peace) expressed regret at the fact that the question of human rights violations in Cuba did not appear on the agenda for the current session. Hopes that the human rights situation in Cuba would improve after the visit of the Group of Ambassadors in September 1988 had not been realized; indeed, contrary to assurances given by the Cuban Government, individuals who had had contacts with the Group during its visit had since suffered harassment and persecution.

24. Referring to General Assembly resolution 44/148 concerning the preparation of a human rights document "based on solidarity", he deplored the fact that considerations of a political nature sometimes appeared to outweigh the interests of justice and humanity in the Commission's work. In conclusion, he referred to the case of Mr. Guillermo del Monte, a Cuban who had found refuge in Canada since 1980 and whose wife and children were still being prevented from joining him by the Cuban Government, despite repeated representations at the international level. The case was one of hundreds that could be cited by his organization.

25. Ms. ECHEGOY (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that her organization had been gravely concerned to hear that the United States had, at a private meeting of countries of the North, proposed the abolition of the Working Group on Enforced or Involuntary Disappearances. The proposal formed part and parcel of the United States policy which also included support for the Nicaraguan Contras, hostility against Cuba; support for dictatorial régimes - as in Chile, and the recent invasion of Panama. The Commission had a tendency to focus on symptoms rather than causes, to view progress as a matter of restricting Governments rather than changing unjust economic structures, and to demand changes without seeking to understand whether real change was possible under existing economic and political conditions. The Declaration on the Right to Development represented a major step in the right direction.

26. With regard to the enlargement of the Commission's membership, she said that it should be accompanied by changes in the composition of the non-governmental community, with a view to strengthening representativeness and geographical balance. Greater participation by dependent countries and indigenous peoples would ensure that closer attention was paid to their concerns. In expressing support for the proposal for a World Conference on Human Rights, she suggested that national human rights organizations should be invited to participate.

27. In view of the increasingly large number of enforced disappearances and their increasingly widespread use as a method of repression, her organization wished to propose that the Working Group on Enforced or Involuntary Disappearances should become a part of the Commission's institutional framework. It was also strongly in favour of maintaining and further developing the institution of special rapporteurs, which was of great value for the protection of human rights in countries such as Guatemala, Colombia and Peru. She referred to some recent cases of enforced disappearances in Guatemala, and to the breaking-up of a peaceful demonstration in that country organized by relatives of disappeared persons. She further drew attention to a recent decree issued in Argentina authorizing the armed forces of that country to intervene in internal conflicts.

28. Ms. Regazzoli (Argentina) resumed the Chair.

29. Ms. AHIABA (Grand Council of the Crees of Quebec), speaking also on behalf of the Indian Council of South America, drew attention to a document prepared by eight NGOs representing indigenous peoples and peoples from Asia, Africa and Latin America (E/CN.4/1990/WG.3/WP.4), which contained recommendations on improving the efficiency of the Commission and making its work more meaningful in developing countries. Since the terms "self-determination", "freedom", "pluralism" and "solidarity" were starting to lose some of their essential meaning, the Commission might undertake the task of reinvigorating them and applying them to the implementation of international human rights instruments. In addition, a more representative Commission comprising members from under-represented regions would be welcome. NGOs from under-represented regions should also be given priority in the granting of consultative status. The indigenous peoples had associated themselves with the proposal because they shared a common history and community of interest with the peoples of the developing countries; all would benefit from the substantive improvements suggested.

30. Mr. CANTWELL (Defence for Children International), speaking on behalf of 26 non-governmental organizations in consultative status with the Economic and Social Council, said that NGOs had taken an active part in the drafting and promotion of the Convention on the Rights of the Child. Adoption of that Convention had, however, had one unfortunate sequel in that, with the disbandment of the Working Group on a convention on the rights of the child, no reference to the child as a special beneficiary of human rights remained on the Commission's agenda. That was regrettable since, despite the adoption of the Convention, there was still a need for the Commission to concern itself specifically with children's issues.

31. One reason was that the Committee on the Rights of the Child was unlikely to become fully operational in the near future since it would not be constituted until 20 countries had ratified the Convention. And even when operational, it would deal only with the situation of children in States that had ratified the Convention, leaving the tens of millions of children in States that did not become parties without the minimal protection that ratification of the Convention implied.

32. Notwithstanding the existence of global and specific human rights instruments and the special committees set up to monitor compliance with their provisions, the Commission dealt with a wide range of issues that were covered in principle by those treaty bodies. The Convention on the Rights of the Child should be no exception. Although certain children's problems might well be dealt with under other items on the Commission's agenda, a number of rights and situations specific to children were difficult to broach under any other existing item. Less than 5 per cent of the Commission's time was devoted to questions relating to children, who made up virtually 50 per cent of mankind. The disappearance of the Commission's sole agenda item on the rights of the child would only exacerbate that unfortunate reality.

33. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had gone some way to recognizing the need for special attention to be paid to the child by including on its agenda an item entitled "prevention of discrimination and protection of children: human rights and youth". In order to reflect that concern, the Commission should, in the opinion of her organization, introduce the rights of the child as a permanent agenda item as from its forty-seventh session.

34. Mr. SAMOURA (International Commission of Health Professionals) said he was also speaking on behalf of the African Commission of Health Professionals (CAPS), which had been established by his organization (ICHP) in April 1989 in Brazzaville to work for the promotion and protection of human rights in the health field in French-speaking black Africa, and to promote respect for the aims and principles of international human rights instruments and international and national codes of medical ethics.

35. CAPS deplored the fact that gross violations of human rights were often considered a necessary evil by the authorities in many parts of sub-Saharan Africa. To add to the problems of underdevelopment, individual and collective energies, which generally aspired to democratic ideals, were sapped by recourse to practices such as internal exile, summary execution, denunciation, arbitrary arrest, disappearance, press censorship, inhuman treatment or political propaganda.

36. Health professionals were greatly concerned that health information and human rights should reach rural areas, which tended to be neglected in favour of urban elites. Where health services, water supplies, sanitation and education existed, they were often provided not by the State, but by non-governmental organizations or local communities. Sub-Saharan Africa's social, economic and political ills were undermining the foundations of African society. In response to concern about such disintegration, CAPS, ICHP and WHO had held an international seminar on health rights and health education in Brazzaville in January-February 1989.

37. CAPS, recognized as an international organization by the Republic of the Congo, which had signed a headquarters agreement with it in July 1989, was working, in line with WHO principles and objectives, on various health aspects such as traditional medicine, birth control, AIDS, primary health care and essential drugs. It had also received the permission of the Government to set up a centre in Conakry (Guinea) for the rehabilitation and care of victims of repression and torture in West Africa, and hoped to be able to set up a similar centre in the Central African subregion. The establishment of such centres had been recommended by a number of international seminars.

38. CAPS gave its attention to all events in sub-Saharan Africa that might involve violations of human rights. It had been very concerned about the recent assassination of two senior officers in Burkina Faso, the deaths of seven teenagers in Guinea, the violent punishment of students in the Niger and the recent social unrest in Côte d'Ivoire.

39. Mr. KAUPPILA (Observer for Finland) said that while there were grounds for optimism that the work of the Commission could be enhanced, there was also a need to analyse failures. The United Nations at present faced important choices in safeguarding and further promoting human rights and fundamental freedoms in the light of the new challenges posed by rapid changes in the international political climate, notably the moves towards pluralistic democracy in a number of countries. The present session of the Commission was the first to take stock of those changes and should make full use of the opportunity.

40. His delegation considered the United Nations to be the most suitable channel for advice and assistance in the field of human rights; it was prepared to provide practical support to the relevant services and had consistently emphasized the key role of advisory services. The gains resulting from over 40 years of United Nations activities in the field of human rights should be further consolidated, in particular with regard to promotion and standard-setting.

41. Although there had been progress, grave breaches of even the most basic human rights still occurred. Finland was in favour of a multilateral approach to such problems despite the fact that such breaches were at times committed by Governments parties to the relevant international instruments. It would also prefer more emphasis to be placed on promoting implementation of existing human rights instruments, before initiation of any major new standard-setting activity. The system of appointing special rapporteurs and special representatives and the use of other monitoring mechanisms should be given full support and co-operation. Special rapporteurs should, in future, be appointed wherever and whenever there was a recognized need for them. The United Nations should aim at consistency in its response to human rights violations and avoid decisions based on selectivity and political considerations.

42. Special attention and support should be given to thematic reports. They helped to reduce the ad hoc character of United Nations action and established a good factual base for its work, which would also greatly benefit from the strengthening of the mandates of the special rapporteurs.

43. More solid and far-reaching analysis would facilitate the Commission's work on minorities. The ongoing standard-setting work in that context, led by Yugoslavia was useful. Wider recognition of the problems of minorities, brought momentum for clearly-defined protection and promotion efforts, some of which were already under way; the Sub-Commission should play a vital role in those efforts. The international community should help to prevent problems from developing into serious conflicts. Successful action by countries could be analysed in order to determine if there was a need and opportunity for the United Nations to play a constructive role. His delegation considered that greater attention should be paid to linguistic and other cultural rights, since they were bridge-building mechanisms in a world where communication was the key to success. The United Nations could thus contribute in a number of ways through action at the global, regional or national level to the protection of minorities and the reduction of tension and conflicts within countries.

44. His delegation considered that in the search initiated by General Assembly resolution 44/167 for ways and means to make the work of the Commission more effective, the informal open-ended working group had a valuable contribution to make. It was of primary importance that the Centre for Human Rights should be provided with adequate staff and other resources. Allocations for human rights purposes still remained under one per cent of the general United Nations budget. It was necessary to rectify that situation and ensure the adequate financial basis of the Geneva secretariat.

45. Mr. MARTIUS (Federal Republic of Germany) explained that his delegation had actively participated in the work of the Commission for many years because it considered the Commission to be one of the most important bodies within the United Nations system. It was convinced that the efforts of the international community to preserve and strengthen international peace and security must go hand in hand with the protection and promotion of human rights, particularly since it was becoming increasingly clear that violations of human rights were among the root causes of many of the serious problems facing the world.

46. While awareness of the Commission's mandate was an important first step, it was equally essential that the Commission should be allowed to fulfil its mandate in the most effective and efficient manner. That was why, at its forty-fourth session, the General Assembly had decided to request the Commission to formulate recommendations on ways and means of enhancing the effectiveness of its work, thereby demonstrating unequivocally that the international community was not only aware of deplorable deficiencies in the effectiveness of the promotion and protection of human rights, but also wished to improve the Commission's working methods. The ongoing debate on the enhancement of the effectiveness of the Commission was therefore a welcome development.

47. Through the exchange of views in the informal open-ended Working Group, as well as numerous consultations between delegations, various, not always complementary, approaches for improving the work of the Commission had been identified. It was his delegation's intention to continue to contribute to the debate until the mandate given by the General Assembly to the Commission led to the desired results.

48. On the question of improved working methods, it must be acknowledged that the Commission so far had no means of reacting promptly when sudden explosions of violence resulting in human rights violations occurred between the annual sessions, with possibly tragic consequences. In such circumstances, the Commission should be able to express its concern without delay and fulfil its noble task as the voice of the collective conscience of mankind. People suffering from massive and flagrant violations of their internationally-guaranteed rights should not be left alone in their plight and kept waiting until the next annual session for appropriate reaction. Given that fact, the best way to enhance the working mechanism of the Commission was through the establishment of an inter-sessional mechanism designed to deal with such types of situation. His delegation was flexible as far as the details of that mechanism were concerned. The inter-sessional role could be assumed by the Bureau, which would meet on a regular basis two or three times a year or on additional occasions if required. The inter-sessional role might also be assumed by the Commission itself, or a mechanism involving the Bureau and the Commission in a step-by-step approach might be envisaged.

49. While the establishment of an inter-sessional mechanism should be a priority, relatively small-scale measures might also bring about substantial progress. First, there was room for rationalization of the agenda by removing unnecessary items and giving more space to urgent, high-priority problems. Some items might be treated on a biennial basis, while obsolete items could be removed and others grouped together. More efficient time-management could not be avoided. The mandate of special rapporteurs should be extended to at least three years. Given the increased demand for advisory services, there was a need for clearer guidelines and criteria defining when and to whom such services should be offered. It was also necessary to look at ways of improving the substance of advisory services, of which the essential elements should be information, education and training programmes. Increased funds were particularly important for advisory services, whether they came from the regular budget or through the Voluntary Fund. The Centre for Human Rights was also in need of more resources in order to improve the effectiveness of the Commission's work. It was deplorable that the United Nations human rights programme was forced to survive on only 0.7 per cent of the total United Nations budget; with that in mind, the Commission should urgently appeal to the Secretary-General to increase the financial resources of the programme. It should be possible to allocate extra resources from existing funds because of international political developments and, particularly, progress in the disarmament sector.

50. His delegation fully supported the suggestions made in draft resolution E/CN.4/1990/WG.3/WP.8. Of the various elements contained in the text, the provisions dealing with the idea of an inter-sessional mechanism were of primary importance. His delegation would judge the success of the ongoing talks in the light of the results achieved on that question.

51. His delegation assumed that the desire to enlarge the membership of the Commission was inspired by the increasing awareness among a growing number of States of the crucial importance of the protection of human rights. That was also the reason behind efforts to enhance the effectiveness of the Commission. General Assembly resolution 44/167 accordingly dealt with both elements - enlargement and enhancement - and instructed the Commission to consider them in close conjunction with each other. His delegation hoped that the Commission would be able to recommend to the Council ways and means of

making the Commission's work more effective, including proposals for an inter-sessional mechanism. That would clear the way for examination of the enlargement issue. To that end, his delegation was determined to co-operate to the best of its abilities in order to bring the talks to a positive conclusion.

52. Mr. CABRAL (Portugal) pointed out that, under Article 1 of the Charter of the United Nations, one of the main purposes of the Organization was to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms. Given that the Commission was the body specifically responsible for attainment of that objective, its importance was self-evident. Because of that importance, and because international co-operation was vital to the promotion of human rights, Portugal had voted in favour of General Assembly resolution 44/167 concerning the enlargement of the Commission. Enlargement was justified, and even demanded, by the ever-increasing importance of human rights issues throughout the world, but it also implied the need for greater commitment. If enlargement was to produce its desired objective, consensus was both a requirement and a goal of all deliberations relating to the functioning of the Commission, whether they concerned its composition, procedures, working methods or mechanisms. It was therefore vital that the decisions taken by the Commission, or by the Economic and Social Council in May, should be reached by consensus. If, on the contrary, decisions which divided members were taken, the mission of achieving international co-operation in promoting and encouraging respect for human rights and fundamental freedoms would be seriously jeopardized.

53. His delegation had been interested in the discussions and ideas put forward during the open-ended sessions of the Working Group established to study ways and means of making the Commission's work more effective. The importance of the question had been shown by the number of participants and the quality of most of the statements and ideas discussed. The position of his delegation on most of the issues under discussion had already been expressed in the Commission or its Working Group on behalf of the 12 States members of the European Community. While it was not the right moment to address those issues in detail, he wished to stress that, in the view of his delegation, raising the effectiveness of the Commission's work meant enhancing its capacity to address promptly and adequately specific problems and situations that arose throughout the world and throughout the year. To that end, his delegation agreed that the idea of an inter-sessional mechanism deserved full consideration. The promotion of human rights could not be confined to the six-week period in which the Commission was in session and, while it was true that there were other United Nations bodies that could address human rights issues, none of those bodies had the specificity, expertise and world public audience that the Commission enjoyed.

54. Another question of great importance was the institution of thematic special rapporteurs, which had proved to be one of the most effective mechanisms established by the Commission. The reasons for its effectiveness lay in the impartiality and independence enjoyed by the special rapporteurs, and any steps that reinforced that impartiality and independence would enhance the Commission's effectiveness. An urgent task was to devise ways to ensure better time-management for the six weeks of work accorded to the Commission. To that end, it was imperative that the agenda should be rationalized, with attention being paid both to time-efficiency and the degree of priority of issues and objectives. However, time-management also implied greater

self-discipline on the part of member States, observers and NGOs in the use of the time allotted them for statements and in the negotiation of concise and objective resolutions which did not overlap or contradict one another. It was also important to address other issues, such as the reinforcement of advisory services, the relations between the Commission and the Sub-Commission and the strengthening of the "1503 procedure", currently being discussed by the Working Group on enhancement. His delegation looked forward to the conclusions and proposals of that Group, convinced that any decisions taken at the current session (or, conversely, the absence of any meaningful decisions) would have deep and long-lasting effects on the future work of the Commission.

55. His delegation shared the conviction that the priority of United Nations action in the field of human rights should be the implementation of existing, universally-agreed international norms. One of the essential ways of contributing to that objective lay in the widest possible dissemination of information on human rights. In that context, his delegation supported with enthusiasm the launching of the World Campaign on Human Rights, whose fundamental goal should be to help people to learn what their rights were and how to protect them through the use of international mechanisms established for that purpose. To that end, it was imperative that the information to be disseminated should be clear and accessible, with special attention being paid to the main target audiences: those whose human rights were systematically threatened or abused, minorities and other vulnerable groups. In that connection, a special place in the World Campaign should be set aside for the latest international instrument adopted by the United Nations in that field: the Convention on the Rights of the Child. As the Secretary-General had stated, co-ordination efforts within the United Nations system and outside it (particularly in academic and research communities, the media, NGOs, and other national and regional human rights institutions) clearly offered the best chances of success for the World Campaign.

56. The Secretary-General in his note entitled "Development of public information activities in the field of human rights" (E/CN.4/1990/19), had pointed out that the interest of the general public in the United Nations Human Rights Programme was at least twice as high as in other United Nations issues (such as economic development or decolonization) and over three times higher than in the issue of disarmament (para. 58). That factor should be taken into consideration when determining the resources to be allocated to human rights activities within the budget of the Department of Public Information.

57. Ms. BAUTA (Cuba), speaking in exercise of the right of reply, said that the representative of the United States, had accused Cuba of breaking its pledge to achieve, in co-operation with the United Nations, the promotion of universal respect for, and observance of, human rights and fundamental freedoms, as laid down in the Universal Declaration of Human Rights. The allegations that people who had spoken to the United Nations mission to her country had been maltreated were yet another demonstration of United States hostility towards Cuba and were a repetition of the lies contained in the United States draft resolution concerning Cuba. The scale of the mission to Cuba had been unprecedented and it would be interesting to see if the United States would allow a similar exercise in its own country, with the same amount of scrutiny. It was a pity that the principles contained in the Universal Declaration had not prevented the United States from using its Security Council veto against resolutions denouncing human rights violations

in such countries as Chile and Israel. Nor had they prevented the United States from invading Panama and massacring many inhabitants. And why was it that in November 1989 the United States had refused to help its own citizens who had been tortured by the army in El Salvador and had not given the protection requested by a Lutheran worker in that country? In her delegation's opinion, a country whose Supreme Court felt it could act in an unrestricted way whenever it unilaterally considered such action necessary had no moral authority to talk about human rights. In fact, the essence of the United States representative's statement could be summarized as "Do what I say, not what I do".

58. Lastly, in response to the allegations by the representative of the International Association of Educators for World Peace, she said that her country would answer them when those who wrote the pamphlets on which the allegations were continually based would take the time to listen to what Cuba had to say on the issue.

The meeting rose at 9 p.m.